

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

No. 3:17-cv-05543-JRC

CALLI L. HISEY, an individual; and CALLI
HISEY LAW OFFICES PC, a Washington
corporation,

Plaintiffs,

vs.

KELLY ELLIS, an individual; INNOVATIVE
DATA SEARCH LLC dba
www.bankruptreport.com, a Delaware
corporation; ENOM, LLC, a Washington
corporation; PRIVACY PROTECTION
SERVICE INC d/b/a PrivacyProtect.org;
GOOGLE INC.; a Delaware corporation,
YAHOO! INC., a Delaware corporation;
MICROSOFT CORPORATION, a Washington
corporation; and JANE DOES and JOHN
DOES 1-10, inclusive,

Defendants.

VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEFS AND DAMAGES FOR:
CYBERSQUATTING (15 U.S.C. § 1125
(d)); TRADEMARK INFRINGEMENT
(15 U.S.C. § 1125); DEFAMATION PER
SE; DEFAMATION (TRADE LIBEL);
INVASION OF PRIVACY (FALSE
LIGHT); INVASION OF PRIVACY
(PUBLIC DISCLOSURE OF PRIVATE
FACTS); TORTIOUS INTERFERENCE
WITH BUSINESS EXPECTANCY;
TORTIOUS INTERFERENCE WITH
CONTRACT; VIOLATION OF
WASHINGTON PERSONALITY
RIGHTS ACT (Wash. Rev. Code Ann. §
63.60); INTENTIONAL INFLICTION OF
EMOTIONAL OUTRAGE; and
NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

**VERIFIED COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEFS AND DAMAGES**

Plaintiffs, CALLI L. HISEY and CALLI HISEY LAW OFFICES PC, allege as follows:



I. PARTIES

1. Plaintiff CALLI L. HISEY is an individual residing in and doing business in the City of Vancouver, Washington, County of Clark.

2. Plaintiff CALLI HISEY LAW OFFICES PC is a Washington corporation with its principal place of business in the City of Vancouver, Washington, County of Clark.

3. Defendant KELLY ELLIS is an individual residing in Carthage, Missouri, County of Jasper.

4. Defendant INNOVATIVE DATA SEARCH LLC dba www.bankruptreport.com is a Delaware corporation, its principal place of business is unknown. This corporation conducts business throughout the United States.

5. At all times herein KELLY ELLIS refers to him individually and acting as an agent of INNOVATIVE DATA SEARCH LLC dba www.bankruptreport.com or any other company he is affiliated with not named in this Complaint.

6. Defendant ENOM, LLC is a Washington corporation with its principal place of business in Washington. ENOM, LLC is a domain registrar and web hosting company doing business throughout the United States.

7. PRIVACY PROTECTION SERVICE INC d/b/a PrivacyProtect.org is the web hosting company for www.cutestat.com.

8. Defendant GOOGLE INC. is a Delaware corporation with its principal place of business in California. GOOGLE INC. operates a Search Engine at: www.google.com.

9. Defendant YAHOO! INC. is a Delaware corporation with its principal place of business in California. YAHOO! INC. operates a Search Engine at: www.yahoo.com

10. Defendant MICROSOFT CORPORATION is a Washington corporation with its



1 principal place of business in Washington. MICROSOFT CORPORATION operates a Search
2 Engine at: www.bing.com.

3 11. Plaintiffs do not know the true names and capacities of the defendants named in this
4 action JANE DOES and JOHN DOES 1-10, inclusive (collectively “Defendants” or “DOE
5 Defendants”), and they are therefore sued by such fictitious names. This Complaint will be
6 amended to allege their true names and capacities when they have been ascertained. Plaintiffs are
7 informed and believe, and based thereon alleges, that such fictitiously-named defendants and each
8 of them are responsible in some manner for the occurrences alleged, and that Plaintiffs’ damages
9 were proximately caused by their conduct.
10

11 II. JURISDICTION AND VENUE

12 12. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331
13 (federal question), based on the Anti-Cybersquatting Protection Act (“ACPA”), 15 U.S.C. §
14 1125(d), and the Lanham Act, 15 U.S.C. § 1125(a). The Court has subject matter jurisdiction over
15 the non-statutory claims pursuant to 28 U.S.C. § 1367(a) (supplemental jurisdiction).
16

17 13. This Court has personal jurisdiction over the defendants because each defendant
18 engaged in acts within the State of Washington, and intentionally directed tortious conduct at
19 Plaintiffs knowing such conduct would cause harm within this District.

20 14. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that most or all of the acts
21 constituting the violations of law complained of herein occurred in this district.

22 15. The Court has jurisdiction over Plaintiffs’ action for declaratory and injunctive relief
23 pursuant to 28 U.S.C. § 2201-2203 and Rules 57 and 65 of the FRCP.

24 III. FACTS COMMON TO ALL CLAIMS

25 16. CALLI L. HISEY (“Ms. Hisey”) started using the marks Calli Hisey, Calli L. Hisey,



1 And Calli Lynn Hisey (the “Marks”) as to reference her profession as an attorney for use in
 2 commerce in October 2015 when she became a licensed attorney in the State of Washington, and
 3 has continuously developed goodwill in the Marks since then. The Marks are inherently distinctive
 4 and/or have acquired distinctiveness. Upon information and belief, there is no other Calli Hisey
 5 in the world. Ms. Hisey is the owner of all rights in and to the Marks.

6 17. Ms. Hisey’s online presence from June 2016-January 2016 consisted of a bio website
 7 at the domain name www.callihiseylawoffices.com. Since June 2016 Ms. Hisey’s bio page was
 8 titled “Calli L. Hisey, Attorney at Law,” and showed up first in search engine results for: “Calli
 9 Hisey,” “Calli L. Hisey,” “Calli Lynn Hisey” and for each of those phrases followed by the word
 10 “attorney,” and/or combined with the location “Vancouver, WA.”
 11

12 18. Ms. Hisey opened her own law practice, CALLI HISEY LAW OFFICES PC
 13 (“CHLO”), on February 1, 2017. CHLO’s online presence from February 1, 2017-present
 14 consisted of firm website at the domain name www.callihiseylawoffices.com. Since February 1,
 15 2017 17-20 July or 26/27 July CHLO started using the marks Calli Hisey Law Offices PC
 16 (incorporated into the “Marks”) as to reference CHLO’s law firm for use in commerce, and has
 17 continuously developed goodwill in the Marks since then. The Marks are inherently distinctive
 18 and/or have acquired distinctiveness. Upon information and belief, there is no other Calli Hisey
 19 Law Offices PC in the world. CHLO is the owner of all rights in and to the Marks.
 20

21 19. It is Defendant KELLY ELLIS’ modus operandi to post embarrassing information
 22 about individuals and request money to take the information off the internet. That is the purpose
 23 behind the website www.bankruptreport.com which is owned and operated by Defendant
 24 INNOVATIVE DATA SEARCH LLC, which is owned and operated by KELLY ELLIS. KELLY
 25 ELLIS also actively purchases domain names in other individual’s names, posts embarrassing



1 information about them to the website and demands money to take the website down. KELLY
 2 ELLIS' conduct is published and available to the public at large through www.google.com,
 3 www.yahoo.com, www.bing.com, and other avenues not specifically addressed herein.

4 20. A dispute arose between Ms. Hisey and Defendant KELLY ELLIS on December 16,
 5 2016 when Ms. Hisey emailed www.bankruptreport.com via the email provided on the website:
 6 sales@innovativedatasearch.com. Ms. Hisey requested her name be removed from the website
 7 bankruptreport.com. Ms. Hisey expressed concern as to that website's legality. KELLY ELLIS
 8 dba INNOVATIVE DATA SEARCH LLC ("INNOVATIVE DATA SEARCH") dba
 9 www.bankruptreport.com began to threaten Ms. Hisey from that point forward using the email
 10 address sales@innovativedatasearch.com and billing@innovativedatasearch.com.
 11

12 21. Ms. Hisey has never met Defendant KELLY ELLIS.

13 22. The dispute came to a head on December 20, 2016 when KELLY ELLIS threatened to
 14 create a website in Ms. Hisey's name in response to Ms. Hisey's cease and desist request. Ms.
 15 Hisey asked KELLY ELLIS not to create a website in her name.

16 23. On December 20, 2016 KELLY ELLIS wrote Ms. Hisey an email stating "I have also
 17 registered the domain URL: CalliHisey.com to publish the correspondence and materials
 18 associated with [Ms. Hisey's] accusations and attempt to belittle, degrade, threaten and quash our
 19 operations...[s]ue us and we will counter-sue [sic] you into oblivion." In the same email, he
 20 threatened to report Ms. Hisey to the Washington State Bar Association ("WSBA") for "citing
 21 [Ms. Hisey's] license status in abusive threatening correspondence."
 22

23 24. KELLY ELLIS purchased the domain name: www.callihisey.com (the "Infringing
 24 Domain Name") and created a website about Ms. Hisey ("the Infringing Site"). The Infringing
 25 Domain Name consists of Ms. Hisey's Mark followed by the .com suffix. The date this complaint

1 was filed the Infringing Site named Defendant CHLO as well as identifying Ms. Hisey.

2 25. On information and belief, KELLY ELLIS himself was and is registered as the owner
3 and administrator of the Infringing Domain Name, and the administrator of the Infringing Site.

4 26. ENOM, LLC registered the Infringing Domain Name to KELLY ELLIS and hosted the
5 website at the time this Complaint was filed.

6 27. KELLY ELLIS was not authorized by Ms. Hisey to register or administer the Infringing
7 Domain Name.

8 28. On December 20, 2016 Ms. Hisey requested KELLY ELLIS remove the website.
9 KELLY ELLIS responded with the following:

10
11 “If you would like to discuss the matter, I will need your explicit permission to write to
12 you, or at the very least respond to your inquiries, and your confirmation that you concur
13 that we have contacted you only in this specific capacity, as well as a full retraction your
14 [sic] request to stop receiving communications from us, and lastly, your explicit affirmatio
15 that you are not ‘scared’ for your physical well being in any capacity in association with
16 our correspondence or any of our websites or databases.

17 We are willing to possibly discuss [removing the website], but will not take any action
18 based on correspondence received in what you have by request reduced to a unidirectional
19 conversation.”

20 29. KELLY ELLIS’ request amounted to a demand that Ms. Hisey forfeit her legal rights
21 or else the website would remain live.

22 30. KELLY ELLIS began to use the Infringing Site as a tool to control Ms. Hisey and scare
23 her into following his demands, and engaging in conversation with him.

24 31. Ms. Hisey emailed KELLY ELLIS on December 20, 2016 indicating he was
25 “beginning to frighten her,” and asked that he stop contacting her. KELLY ELLIS did not cease
communication.

32. At that time, KELLY ELLIS began to repeatedly email Ms. Hisey at her former



1 REMOVE ARREST LLC is owned and operated by KELLY ELLIS.

2 33. KELLY ELLIS began to repeatedly text Ms. Hisey from EraseMugshots.com. Upon
3 information and belief, EraseMugshots.com is owned and operated by KELLY ELLIS.

4 34. KELLY ELLIS called Ms. Hisey's personal cell phone on February 7, 2017 from a
5 telephone number ending in 9172 from Boca Raton, FL at 6:02pm. Upon information and belief,
6 KELLY ELLIS has a telephone using a phone number ending in 9172 from Boca Raton, FL.

7 35. KELLY ELLIS subsequently filed a formal complaint to the WSBA alleging to be a
8 victim of harassment. The WSBA dismissed the complaint.

9 36. A search for any of Ms. Hisey's Marks on www.yahoo.com and www.bing.com now
10 shows The Infringing Site as the first search result. The Infringing Site shows up fourth on search
11 results for Ms. Hisey's Marks on www.google.com.

12 37. KELLY ELLIS titled the Infringing Website: "Calli Hisey Abusive and Threatening
13 Attorney." KELLY ELLIS represented himself to be Ms. Hisey, and represented the website was
14 created by Ms. Hisey herself in beginning the website content with: "I'm a licensed attorney with
15 [Ms. Hisey's former employer]..."

16 38. KELLY ELLIS posted content to the Infringing Site with the intent of disparaging Ms.
17 Hisey and harming her ability to practice law and maintain a reputation in her community, in
18 addition to an attempt to extort a profit from her to remove the website.

19 39. In December 2016, the content of The Infringing Site consisted of a screenshot of Ms.
20 Hisey's 2014 bankruptcy information, broadcasting her personal identification information (name,
21 address, last 4 of SSN etc.), combined with false comments and innuendos, that, when considered
22 as a whole, convey false messages to readers. KELLY ELLIS also named Ms. Hisey's employer
23 at the time on the website.
24
25



1 40. In mid-January Ms. Hisey was fired from her job.

2 41. On January 4, 2017 Ms. Hisey sought a protection order in the Clark County District
3 Court, Case No. 17H000004. The Court entered two (2) temporary orders of protection against
4 KELLY ELLIS. KELLY ELLIS was served with both orders of protection. The Court entered a
5 final Protection Order against KELLY ELLIS on February 15, 2017. The Court also issued an
6 oral finding that KELLY ELLIS had created the Infringing Site for the purpose of harming Ms.
7 Hisey's reputation. KELLY ELLIS was barred from contacting Ms. Hisey in any way, including
8 third-party electronic contact. See Exhibit A attached hereto and incorporated herein by reference.
9

10 42. After KELLY ELLIS was served with the first temporary order of protection, he stalked
11 and investigated Ms. Hisey's background. KELLY ELLIS found a misdemeanor charge on Ms.
12 Hisey's record. KELLY ELLIS then shifted his focus from Ms. Hisey's bankruptcy as a tool to
13 control and extort Ms. Hisey, and harm her ability to practice law, and turned it to the misdemeanor
14 charge. KELLY ELLIS changed the title of the Infringing Website to: "Calli Hisey Attorney
15 Arrested for Urinating/Defecating in Public." KELLY ELLIS also changed the title of the
16 www.bankruptreport.com website he created about Ms. Hisey to the same title.
17

18 43. The statement in the title of both websites is untrue, and it is offensive and derogatory
19 (the "Defamatory Statement").

20 44. KELLY ELLIS intentionally posted the Defamatory Statement to harm Ms. Hisey's
21 ability to practice law and maintain a reputation in the legal community, and to control and
22 intimidate Ms. Hisey to extort her for profit. KELLY ELLIS went on to update the website
23 repeatedly and obsessively. It was six (6) pages long as of the date this Complaint was filed.

24 45. During the interim, Ms. Hisey filed a report with the Better Business Bureau ("BBB")
25 against KELLY ELLIS dba INNOVATIVE DATA SEARCH. KELLY ELLIS was contacted by

1 the BBB and responded by sending Ms. Hisey more threatening emails, one consisting of the
2 following statement: “nice complaint to the bbb. If you believe that will HELP you get that
3 removed, you are very ignorant. We will never remove the website now. You reaped what you
4 have sewn right from your initial demand.” A separate email followed stating “[y]ou can count
5 on a formal complaint to the State Bar of California in return.”

6 46. Ms. Hisey also filed a police report against KELLY ELLIS for cyberstalking, and was
7 contacted by authorities, but did not pursue criminal charges because KELLY ELLIS lives in a
8 different state and she feared him.

9 47. On May 24, 2017 KELLY ELLIS filed a bar complaint with the WSBA against Ms.
10 Hisey for alleged harassment. The bar complaint contained more defamatory statements, this time
11 published to the entity charged with granting Ms. Hisey the privilege to practice law. KELLY
12 ELLIS intentionally published libelous statements to the WSBA in attempt to get Ms. Hisey’s
13 license to practice law revoked, and control her into contacting him and paying him to take down
14 the website. The WSBA dismissed KELLY ELLIS’ complaint without investigation.

15 48. The Infringing Site remained live and accessible at the time this Complaint was filed.

16 49. Defendant PRIVACY PROTECTION SERVICE INC d/b/a PrivacyProtect.org hosted
17 the website cutestat.com when this Complaint was filed, wherein cutestat.com created a website
18 based on the Defamatory statement which shows up in the top 10 search results for the Marks and
19 the Defamatory Statement is the heading of the webpage.

20 50. The Infringing Site consists mostly of defamatory statements related to Ms. Hisey’s
21 candor and ethical ability to practice law. The Defamatory Statement and Infringing Site content
22 contain defamatory accusations directed at Ms. Hisey, that are demonstrably false in that they cite
23 highly selective, cherry-picked snippets of the entire story, and then quote and discuss bits and
24



1 pieces of discrete facts that are presented out-of-context and combined with false comments and
2 innuendos created by KELLY ELLIS. Those statements when considered as a whole, convey false
3 messages to the readers by implying meanings that are actually untrue, all of which was done by
4 KELLY ELLIS purposefully to convey the most damaging possible picture of Ms. Hisey. The
5 statements are directed at Ms. Hisey because (i) a search of her name on any search engine leads
6 users to the Infringing Domain Name, the Defamatory Statement, the Infringing Site and the
7 defamatory content of the site; and (ii) the Defamatory Statement leads users to the Infringing Site
8 and the www.bankruptreport.com website with Ms. Hisey's 2014 bankruptcy and personal
9 identification information.
10

11 51. Ms. Hisey's candor as an attorney conforms to the highest ethical standards required
12 by the Rules of Professional Conduct; she has never had an instance of professional misconduct
13 and has only been reported to the bar once, by KELLY ELLIS. Ms. Hisey has never been abusive,
14 and threatening legal action is the nature of her profession as a litigating attorney. Ms. Hisey is
15 not a menace to society committing lewd and offensive acts; she has maintained the highest
16 standards of professionalism for herself as a professional, and the owner of her own law practice.
17

18 52. Ms. Hisey has made a written demand that KELLY ELLIS and INNOVATIVE DATA
19 SEARCH cease from the acts complained of herein. KELLY ELLIS and INNOVATIVE DATA
20 SEARCH have failed and refused to respond to this demand.

21 53. Ms. Hisey submitted a report of abuse to ENOM, LLC. ENOM, LLC responded that
22 it "do[es] not have technical ability to remove or disable specific items of objectionable content...
23 [w]e do not believe that we are the correct party to contact regarding this matter."

24 54. Ms. Hisey submitted multiple requests to GOOGLE INC. to remove the website from
25 its search results. GOOGLE INC. refused each, and sent one refusal mocking Ms. Hisey's order

1 of protection, stating “[t]his does not appear to be a valid legal process.”

2 55. Ms. Hisey submitted requests to YAHOO! INC. and MICROSOFT CORPORATION to
3 remove the website from each search engine’s results. MICROSOFT CORPORATION responded
4 with refusal, and YAHOO! INC. never responded.

5 56. Ms. Hisey hired and paid several professionals in desperation to have the website
6 removed from the Internet. The website remained live and showed up in search results on
7 google.com, yahoo.com and bing.com for the Marks as of the date this complaint is filed.

8 57. Plaintiffs have been contacted on multiple occasions by family members, friends,
9 colleagues, peers and clients regarding the Infringing Domain and Infringing Site.

10 58. Ms. Hisey went through a period of severe depression, she has been fired by clients and
11 fired from her job, she has been questioned repeatedly about the website by clients and peers and
12 she has lost personal and professional relationships as a result of KELLY ELLIS’ actions, and the
13 actions of all other defendants named in this lawsuit. Ms. Hisey stopped withdrew from her social
14 life and from her professional involvement within the legal community within the community due
15 to the shame she felt because of Defendants’, and each one of them, actions.

16 59. Ms. Hisey has suffered both statutory damages, damages to be proven at trial and is
17 entitled to punitive damages allowed by statute based on KELLY ELLIS’ misconduct. Ms. Hisey
18 is also entitled to attorney’s fees and costs for bringing this action.

19 60. Defendants’ actions as alleged herein were undertaken willfully, maliciously, and in
20 reckless disregard of Ms. Hisey’s rights.

21 61. Defendants’ actions alleged herein were undertaken with failure to use reasonable care,
22 causing Ms. Hisey to suffer severe emotional distress.

23 **IV. FIRST CLAIM FOR RELIEF**

24 **ANTI-CYBERSQUATTING PROTECTION ACT (15 U.S.C. § 1125(d))**

25 VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEFS AND DAMAGES

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1 *(Against Defendants KELLY ELLIS, INNOVATIVE DATA SEARCH and DOES 1-10)*

2 62. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs 1
3 through 61.

4 63. KELLY ELLIS registered the Infringing Doman Name with bad faith with the intent
5 of profiting therefrom.

6 64. Ms. Hisey and CHLO's (hereinafter "Plaintiffs") Marks were inherently distinctive,
7 and or had acquired distinctiveness, at the time of the registration by KELLY ELLIS of the
8 Infringing Domain Name.

9 65. The Infringing Domain Names consist of Ms. Hisey's Mark (name) followed by the
10 .com suffix.

11 66. Plaintiffs have suffered and will suffer irreparable injury from KELLY ELLIS' actual
12 and intended misuse of the Infringing Domain Name. Pursuant to the ACPA, 15 USC §
13 1125(d)(1)(C), the registration for the domain name for the Infringing Site should be forfeited by
14 KELLY ELLIS, and Plaintiffs should be awarded actual or statutory damages, together with
15 attorney's fees and costs pursuant to 15 U.S.C. § 1117, plus prejudgment interest.

16
17 **V. SECOND CLAIM FOR RELIEF**
18 **TRADEMARK INFRINGEMENT (15 U.S.C. § 1125)**
19 ***(Against All Defendants and DOES 1-10)***

20 67. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs 1
21 through 66.

22 68. Defendants' actual and intended misuse of the Marks for the domain name of the
23 Infringing Site constitutes the use of a false designation of origin in violation of Section 43(a) of
24 the Lanham Act, 15 U.S.C. § 1125(a).

25 69. Defendants' misusue of the Marks is likely to cause confusion as to the origin,

1 sponsorship and approval of the Infringing Site.

2 70. KELLY ELLIS' representation that the website was created and authored by Ms. Hisey
3 is likely to cause confusion as to the origin, sponsorship and approval of the Infringing Site.

4 71. Plaintiffs have suffered and will suffer irreparable injury from Defendants' actual and
5 intended misuse of the Marks. Pursuant to Section 34(a) of the Lanham Act, 15 U.S.C. § 1116(a),
6 Defendants should be preliminarily and permanently enjoined from using the Marks, and Plaintiffs
7 should be awarded attorney's fees and costs pursuant to 15 U.S.C. § 1117, plus prejudgment
8 interest.
9

10 **VI. THIRD CLAIM FOR RELIEF**
11 **DEFAMATION PER SE**
(Against All Defendants and DOES 1-10)

12 72. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs 1
13 through 71.

14 73. KELLY ELLIS published certain statements on the internet.

15 74. Defendants GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION
16 published KELLY ELLIS' statements on the internet.

17 75. KELLY ELLIS' statements were published to those other than Plaintiffs, and in fact
18 anyone in the public at large using the internet was, and still is, able to discover and read them.

19 76. KELLY ELLIS' statements can reasonably be understood to be of and concerning
20 Plaintiffs, and in fact they specifically identify Plaintiffs by name, DOB, last four (4) of SSN, and
21 address, and thus leave no doubt that the statements are about Plaintiffs and no one else. The
22 heading of the Infringing Site and the www.bankruptreport.com website specifically identify Ms.
23 Hisey individually by name.
24

25 77. KELLY ELLIS' statements tend to harm the reputation and image of Plaintiffs on their

1 face (i.e. they constitute libel *per se*), in that they impute criminal conduct and financial
2 irresponsibility, and make allegations injurious to Plaintiffs' trade, business and profession.
3 KELLY ELLIS' statements tend to lower Plaintiffs in the esteem of peers, caused her to be
4 shunned by clients, peers and friends, and to expose her to ridicule and contempt.

5 78. KELLY ELLIS' statements are demonstrably false, they are incorrect factual
6 statements and incapable of being conclusively established with evidence to be either true or
7 untrue.
8

9 79. KELLY ELLIS' statements are demonstrably false, in that they purposefully state only
10 bits and pieces of discrete facts that may or may not have been correct in and of themselves, but
11 such facts were presented out of context and combined with false comments and innuendos of
12 KELLY ELLIS' own fabrication that, when considered as a whole, convey false meanings to the
13 readers by implying meanings that are actually untrue.

14 80. KELLY ELLIS' statements are not privileged, and are not opinions.

15 81. At the time KELLY ELLIS published the statements, Defendants knew the statements
16 were false or had reckless disregard for their falsity, and therefore acted with actual malice. In
17 fact, KELLY ELLIS has admitted that he is acting with actual malice by identifying his intent
18 (through email and online postings) to do harm and injure Plaintiffs' reputation in business, trade
19 and profession in the eyes of peers, clients and friends, under the fabricated pretense of
20 "informing" clients of Plaintiffs' conduct in the practice of law.
21

22 82. Defendants' publication of false and defamatory statements did, in fact, directly and
23 proximately harm Plaintiffs' business, trade, profession and occupation; cause shame,
24 mortification and hurt feels, resulting in severe emotional distress; and cause other harm to
25 Plaintiffs' reputation in addition to those implied and assumed by law. KELLY ELLIS'

publication also caused Ms. Hisey to lose her job.

83. On multiple separate occasions, Ms. Hisey made retraction demands upon Defendants, but Defendants refused to comply.

84. As a direct and proximate consequence of such defamation *per se* alleged in this Cause of Action, Plaintiffs have been generally, specially and consequentially damaged in an amount to be established at trial.

85. Defendants' actions were committed willfully and intentionally and by means of oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are entitled to an award of exemplary or punitive damages in an amount to be established at trial to meaningfully punish Defendants, and to thereby deter similar conduct by them in the future. Punitive damages are especially appropriate in this case because of KELLY ELLIS and INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing KELLY ELLIS' statements.

86. Defendants' defamation *per se* alleged herein, unless enjoined by a preliminary injunction order and a permanent injunction judgment of this Court, will continue to cause great and irreparable injury to Plaintiffs. As alleged herein, Plaintiffs have no adequate remedy at law for injuries that are currently being suffered and are threatened to be suffered from Defendants' defamation *per se*.

VII. FOURTH CLAIM FOR RELIEF
DEFAMATION (TRADE LIBEL)
(Against All Defendants and DOES 1-10)

87. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs 1 through 86.

1 88. Plaintiffs' ethics, integrity and competence are her stock in trade that reflects upon the
2 quality of her services in her business and profession, and as such are legally protectable interests
3 that are subject to trade libel.

4 89. Within one year of the filing of the herein action, Defendants have disparaged the
5 quality of Plaintiffs' service by publishing statements on the internet to impugn and besmirch
6 Plaintiffs' ethics, integrity and competence. Indeed, when Ms. Hisey attempted to mitigate and
7 minimize the damage caused by KELLY ELLIS' postings and obtained a protection order, KELLY
8 ELLIS immediately responding by stalking and investigating Ms. Hisey's past and obsessively
9 updating the Infringing Site, and GOOGLE INC. mocked Ms. Hisey's protection order, further
10 defaming Plaintiffs, and ridiculing her attempt(s) to defend herself.

11 90. The statements are demonstrably false, wherein are incorrect factual statements and
12 incapable of being conclusively established with evidence to be either true or untrue.

13 91. Such statements were demonstrably false, in that they purposefully stated only bits and
14 pieces of discrete facts that may or may not have been correct in and of themselves, but such facts
15 were presented out of contexts and combined with false comments and innuendos of KELLY
16 ELLIS' own fabrication that, when considered as a whole, conveyed false meanings to the readers
17 by implying meanings that are actually untrue.

18 92. Such statements were not privileged, and are not opinions.

19 93. At the time Defendants' published them, Defendants knew the statements were false or
20 had reckless disregard for their falsity, and therefore acted with actual malice. In fact, KELLY
21 ELLIS has admitted that he is acting with actual malice by identifying his intent (by and through
22 the online postings) to do harm and injure Plaintiffs' business, trade and profession, under the
23 fabricated pretense of "informing" clients (i.e., potential future clients) of Plaintiffs' conduct in
24
25

1 the practice of law.

2 94. As a direct and proximate result of Defendants' trade libel, Plaintiffs will have suffered
3 specific pecuniary damages and financial loss, including, but not limited to, the following: (i) loss
4 of current and future revenues from customers; (ii) remediation measures to rehabilitate the
5 public's impressions of her ethics, integrity and competence in relevant markets; and (iii) other
6 costs of litigation spent and to be spent to seek legal remedies for aforesaid trade libel.
7

8 95. On multiple separate occasions, Ms. Hisey made retraction demands upon KELLY
9 ELLIS, but KELLY ELLIS refused to substantially comply, or instead merely revised their original
10 post, wherein the revisions remain defamatory.

11 96. On multiple separate occasions, Ms. Hisey made retraction demands upon GOOGLE
12 INC., YAHOO! INC. and MICROSOFT CORPORATION, but GOOGLE INC., YAHOO! INC.
13 and MICROSOFT CORPORATION refused to remove the defamatory websites from search
14 indexes.

15 97. As a direct and proximate consequence of the trade libel alleged in this Cause of Action,
16 Plaintiffs have been generally, specially and consequentially damaged in an amount to be
17 established according to evidence.

18 98. Defendants' actions were committed willfully and intentionally and by means of
19 oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are
20 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
21 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
22 Punitive damages are especially appropriate in this case because of KELLY ELLIS and
23 INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and
24 GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing
25



1 KELLY ELLIS' statements.

2 99. Defendants' trade libel alleged herein, unless enjoined by a preliminary injunction
3 order and a permanent injunction judgment of this Court, will continue to cause great and
4 irreparable injury to Plaintiffs. As mentioned herein, Plaintiffs have no adequate remedy at law for
5 injuries that she is currently suffering and are threatened to be suffered from Defendants' trade
6 libel.

7
8 **VIII. FIFTH CLAIM FOR RELIEF**
9 **INVASION OF PRIVACY (FALSE LIGHT)**
(Against All Defendants and DOES 1-10)

10 100. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs
11 1 through 99.

12 101. As alleged hereinabove, within one year of the filing of the herein action,
13 Defendants posted certain representations on the internet.

14 102. Such representations can reasonably be understood to be of and concerning
15 Plaintiffs, and in fact they specifically identify Ms. Hisey by her name, date-of-birth, last four (4)
16 digits of her SSN, address, and company name and thus leave no doubt that the representations
17 were about Plaintiffs and no one else. The heading of the website containing the representations
18 specifically identifies Ms. Hisey individually by name.

19 103. Such representations are false, wherein are incorrect factual statements and
20 incapable of being conclusively established with evidence to be either true or untrue.

21 104. Such representations are false in the sense that they stated bits and pieces of discrete
22 facts that may or may not have been correct, in and of themselves, but such facts were presented
23 out of contexts and combined with false comments and innuendos of KELLY ELLIS' own
24 fabrication that, when considered as a whole, convey false meanings to the readers by implying
25

1 meanings that are actually untrue, thereby placing Plaintiffs in false light.

2 105. Such representations are not only embarrassing and highly offensive to Plaintiffs
3 (especially since they relate to her business and professional reputation), but will also be
4 embarrassing and highly offensive to a reasonable person of ordinary sensibilities.

5 106. Defendants made such representations with actual malice to harm and injure
6 Plaintiff by embarrassing and offending her, and with full knowledge off, or reckless disregard of,
7 the falsity of the meanings that the misleading representations will imply.

8 107. Such representations were openly and publicly disclosed by their publications on
9 the internet, such that anyone in the public at large will be able to discover them.

10 108. As a direct and proximate consequence of Defendants's false light invasion of
11 privacy alleged in this Cause of Action, Plaintiff has been generally, specially and consequentially
12 damaged in an amount to be established according to evidence.

13 109. Defendants' actions were committed willfully and intentionally and by means of
14 oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are
15 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
16 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
17 Punitive damages are especially appropriate in this case because of KELLY ELLIS and
18 INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and
19 GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing
20 KELLY ELLIS' statements.

21 110. Defendants' false light invasion of privacy alleged herein, unless enjoined by a
22 preliminary injunction order and a permanent injunction judgment of this Court, will continue to
23 cause great and irreparable injury to Plaintiff. As stated herein, Plaintiff has no adequate remedy
24
25

1 at law for injuries that she is currently suffering and are threatened to be suffered from Defendants'
 2 false light invasion of privacy.

3 **IX. SIXTH CLAIM FOR RELIEF**
 4 **INVASION OF PRIVACY (PUBLIC DISCLOSURE OF PRIVATE FACTS)**
 5 ***(Against All Defendants and DOES 1-10)***

6 111. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs
 7 1 through 110.

8 112. As alleged hereinabove, within one year of the filing of the herein action,
 9 Defendants posted numerous statements specifically concerning Plaintiffs on the internet via the
 10 Infringing Domain and Infringing Site.

11 113. Defendants gave publicity to such facts with their public disclosures on the internet,
 12 such that anyone in the public at large will be able to discover them.

13 114. Such publicly disclosed facts were private facts, in that they were intimate details
 14 of Plaintiff's private life that are not generally known, as to which Plaintiff attached the highest
 15 privacy interests. Such private facts either have never been publicly disclosed, or to the extent that
 16 discrete bits and pieces of facts may have been from public records, they were "false" in that they
 17 were presented out of context and combined with false comments and innuendos of KELLY
 18 ELLIS' own fabrication that, when considered as a whole, conveyed false meanings to the readers
 19 by implying meanings that are actually false.

20 115. Such private facts and their public disclosures were not only highly offensive to
 21 Plaintiff, but a reasonable person of ordinary sensibilities will also find them highly offensive.

22 116. Such private facts were not a matter of legitimate public concern, and thus not
 23 newsworthy. Even though Plaintiff values her reputation and image, she is not a prominent public
 24 figure or celebrity, and the facts in and of themselves are not novel, unusual, entertaining or useful
 25

1 topics to the vast majority of the general public at large.

2 117. Defendants published such private facts “with reckless disregard for the fact that
3 reasonable men would find the invasion highly offensive.”

4 118. As a direct and proximate consequence of the public disclosure of private facts
5 alleged in this Cause of Action, Plaintiff has been generally, specially and consequentially
6 damaged in an amount to be established according to evidence.

7 119. Defendants’ actions were committed willfully and intentionally and by means of
8 oppression, fraud and actual malice and in conscious disregard of Plaintiff’s rights. Plaintiffs are
9 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
10 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
11 Punitive damages are especially appropriate in this case because of KELLY ELLIS and
12 INNOVATIVE DATA SEARCH’s past pattern of oppressive and harassing conduct and
13 GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION’s history of publishing
14 KELLY ELLIS’ statements.
15

16 120. Defendants’ wrongful public disclosure of private facts alleged herein, unless
17 enjoined by a preliminary injunction order and a permanent injunction judgment of this Court, will
18 continue to cause great and irreparable injury to Plaintiff. As stated herein, Plaintiff has no
19 adequate remedy at law for injuries that she is currently suffering and are threatened to be suffered
20 from Defendants’ public disclosure of private facts.
21

22 **X. SEVENTH CLAIM FOR RELIEF**
23 **TORTIOUS INTERFERENCE WITH BUSINESS EXPECTANCY**
(Against All Defendants and DOES 1-10)

24 121. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs
25 1 through 120.

122. Defendants have tortuously interfered with Plaintiffs' business expectancy with clients, by wrongful means, in that KELLY ELLIS unlawfully took and converted to his own use the Infringing Domain and created the Infringing Site, and GOOGLE INC., YAHOO! INC. AND MICROSOFT CORPORATION published KELLY ELLIS' statements, resulting in the loss of prospective and current clients, and loss of Ms. Hisey's job.

123. Defendants have tortuously interfered with Plaintiffs' business expectancy with clients, by wrongful means, in that Defendants have caused peers and clients attempting to contact or hire Plaintiffs to be directed to the Infringing Domain and Infringing Site resulting in the loss of potential and current clients, and loss of Ms. Hisey' job.

124. At all relevant times, Defendants were aware of Plaintiffs' existing and reasonably-expected relationships with existing and reasonably-expected third-party clients for Plaintiffs' company, wherein these relationships were likely to provide future economic benefits to Plaintiffs.

125. Defendants knew of the existence of that business relationship and expectancy.

126. Defendants intentionally caused the termination of business relationships because Plaintiffs were fired from her job, fired by clients and potential clients have not hired Plaintiffs due to Defendants' intentional actions.

127. Defendants interfered with Plaintiffs' business expectancy for an improper purpose and by improper means in that the Infringing Domain and Infringing Site were created and published to harm Plaintiffs' ability to practice law and maintain a reputation in the community.

128. As a direct and proximate result of Defendants' intentional and wrongful interference with Plaintiffs' economic relations, Plaintiffs have been damaged in an amount to be proven at trial, plus prejudgment interest and fees and costs.

129. Defendants' actions were committed willfully and intentionally and by means of

1 oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are
 2 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
 3 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
 4 Punitive damages are especially appropriate in this case because of KELLY ELLIS and
 5 INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and
 6 GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing
 7 KELLY ELLIS' statements.
 8

9 **XI. EIGHTH CLAIM FOR RELIEF**
 10 **TORTIOUS INTERFERENCE WITH CONTRACT**
 11 ***(Against All Defendants and DOES 1-10)***

12 130. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs
 13 1 through 129.

14 131. At all relevant times, Plaintiffs had a business contract with her employer and with
 15 current clients to perform legal services.

16 132. Defendants knew of the existence of those business contracts.

17 133. Defendants intentionally caused the termination of business contracts because
 18 Plaintiff was fired from her job and fired by clients due to Defendants intentional actions.

19 134. Defendants interfered with Plaintiffs' business contracts for an improper purpose
 20 and by improper means in that the Infringing Domain and Infringing Site were created and
 21 published to harm Plaintiffs' career.

22 135. As a direct and proximate result of Defendants intentional and wrongful
 23 interference with Plaintiffs' economic relations and business contracts, Plaintiffs have been
 24 damaged in an amount to be proven at trial, plus prejudgment interest and fees and costs.

25 136. Defendants' actions were committed willfully and intentionally and by means of

1 oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are
 2 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
 3 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
 4 Punitive damages are especially appropriate in this case because of KELLY ELLIS and
 5 INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and
 6 GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing
 7 KELLY ELLIS' statements.
 8

9 **XII. NINETH CLAIM FOR RELIEF**
 10 **VIOLATION OF WASHINGTON PERSONALITY RIGHTS ACT (WRPA)**
 11 **(Wash. Rev. Code Ann. § 63.60)**
 12 ***(Against All Defendants and DOES 1-10)***

13 137. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs
 14 1 through 136.

15 138. Defendants used Plaintiffs' name, identity and contact information without
 16 Plaintiffs' consent when KELLY ELLIS purchased the Infringing Domain and created the
 17 Infringing Site and all Defendants posted defamatory content about Plaintiffs to the internet.

18 139. Plaintiffs are engaged in commerce in this State for the purposes of advertising and
 19 providing legal services to the public.

20 140. Defendants were not authorized by express, oral or implied consent to use Plaintiffs
 21 name and business name.

22 141. Defendant' actions of using Plaintiffs' name, identity and contact information
 23 without consent resulted in Plaintiffs losing credibility in the eyes of Plaintiffs' clients (potential
 24 and current) and colleagues, which has affected Plaintiffs' ability to conduct business.

25 142. No statutory exemptions apply pursuant to RCW 63.60.070.

143. The privacy interests of Plaintiffs outweigh any public interest that may be served



1 by Defendants use of Plaintiffs' name, identity and contact information.

2 144. Plaintiffs' reputation has been harmed by this conduct.

3 145. Plaintiffs must now re-establish relationships with clients and peers in the
4 community, including sitting judges and commissioners, that had viewed the Infringing Site and
5 defamatory content.

6 146. As a direct and proximate result of Defendants' unauthorized use of Plaintiffs'
7 name and business name, Plaintiffs have been damaged in an amount to be proven at trial, plus
8 prejudgment interest and fees and costs, along with statutory damages.

9 147. Defendants' actions were committed willfully and intentionally and by means of
10 oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are
11 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
12 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
13 Punitive damages are especially appropriate in this case because of KELLY ELLIS and
14 INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and
15 GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing
16 KELLY ELLIS' statements.

17 148. Defendants' unauthorized use of Plaintiffs' name and business name alleged herein,
18 unless enjoined by a preliminary injunction order and a permanent injunction judgment of this
19 Court, will continue to cause great and irreparable injury to Plaintiffs. As alleged herein, Plaintiffs
20 have no adequate remedy at law for injuries that are currently being suffered and are threatened to
21 be suffered from Defendants' unauthorized use of Plaintiffs' name and business name.

22
23
24 **XIII. TENTH CLAIM FOR RELIEF**
25 **INTENTIONAL INFLICTION OF EMOTIONAL OUTRAGE**
(Against All Defendants and DOES 1-10)

1 149. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs
2 1 through 148.

3 150. Defendants engaged in extreme and outrageous conduct by intentionally obtaining
4 the Infringing Domain, creating the Infringing Site, publishing defamatory statements, reporting
5 Plaintiffs to the WSBA and all other conduct alleged herein with the intention of causing emotional
6 harm to Plaintiff.

7 151. Defendants' extreme and outrageous conduct alleged in this Complaint, including,
8 but not limited to, harassment, defamation, invasion of privacy and interference with prospective
9 economic advantage, right to privacy, right to publicity were intentionally and recklessly
10 committed with intent to deliberately inflict humiliation, mental anguish, and emotional and
11 physical distress upon Plaintiff, and done in wanton and reckless disregard of such consequences
12 to Plaintiff.

13 152. As a direct and proximate result of said extreme and outrageous conduct by
14 Defendants, and each of them, Plaintiff did, in fact, suffer from humiliation, mental anguish, and
15 emotional and physical distress, and has been hurt and injured in her health, strength and activity,
16 sustaining injury to her nervous system and person, all of which have caused, continue to cause,
17 and will continue to cause Plaintiff great mental, physical, and nervous pain and suffering.

18 153. As a result of such severe emotional distress, Plaintiff has been generally, specially
19 and consequentially damaged in an amount to be established according to evidence.

20 154. Defendants' actions were committed willfully and intentionally and by means of
21 oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are
22 entitled to an award of exemplary or punitive damages in an amount to be established at trial to
23 meaningfully punish Defendants, and to thereby deter similar conduct by them in the future.
24
25



Punitive damages are especially appropriate in this case because of KELLY ELLIS and INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing KELLY ELLIS' statements.

XIV. ELEVENTH CLAIM FOR RELIEF
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants, and DOES 1-10)

155. Plaintiffs reallege and incorporate herein by reference the allegations of paragraphs 1 through 154.

156. Defendants, at all relevant times, owed Plaintiff various duties of care, including, but not limited to, that reasonably necessary avoid inflicting humiliation, mental anguish, and emotional and physical distress upon Plaintiff. Defendants knew, or should have known, that their failure to exercise such due care would cause Plaintiff to suffer from humiliation, mental anguish, and emotional and physical distress.

157. At all relevant times, Defendants were aware or should reasonably have been aware that if they did not act with due care, their acts and omissions would interfere with or disrupt said prospective economic advantages. Therefore, Defendants owed Plaintiffs duties to act with such care.

158. Defendants were negligent, in that in committing the wrongful acts alleged in this Complaint, including, but not limited to, the alleged harassment, extortion, defamation, invasion of privacy, and infliction of emotional distress, Defendants failed to exercise due care to avoid engaging in acts and omissions that actually interfered with or disrupted such prospective economic advantages.

159. Defendants breached their duties of care to Plaintiff by committing the extreme and

outrageous acts and omissions alleged in this Complaint, including, but not limited to, harassment, defamation, invasion of privacy, interference with prospective economic advantage, right to publicity and did so with reckless disregard for the probability of causing emotional distress to Plaintiff.

160. As a direct and proximate result of such breaches constituting negligence, Plaintiff did, in fact, suffer from humiliation, mental anguish, and emotional and physical distress, and has been hurt and injured in her health, strength and activity, sustaining injury to her nervous system and person, all of which have caused, continue to cause and will continue to cause Plaintiff great mental, physical, and nervous pain and suffering.

161. As a result of such Defendants' negligence, Plaintiffs have been generally, specially and consequentially damaged in an amount to be established according to evidence.

162. Defendants' actions were committed willfully and intentionally and by means of oppression, fraud and actual malice and in conscious disregard of Plaintiff's rights. Plaintiffs are entitled to an award of exemplary or punitive damages in an amount to be established at trial to meaningfully punish Defendants, and to thereby deter similar conduct by them in the future. Punitive damages are especially appropriate in this case because of KELLY ELLIS and INNOVATIVE DATA SEARCH's past pattern of oppressive and harassing conduct and GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION's history of publishing KELLY ELLIS' statements.

XV. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants and for relief as follows:

1. For a preliminary and permanent injunction enjoining KELLY ELLIS and INNOVATIVE DATA SEARCH, their agents, servants, employees, successors, assigns and all others in

VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEFS AND DAMAGES

p. 28 of 31

CALLI HISEY LAW OFFICES PC
1104 Main St., Suite 212
Vancouver, WA 98660
p: 360.695.0365
e: calli@callihiseylawoffices.com



- 1 concert or privity with them from using Ms. Hisey's Marks in any way, for any purpose;
- 2 2. For a preliminary and permanent injunction enjoining GOOGLE INC., YAHOO! INC. and
- 3 MICROSOFT CORPORATION from allowing the Infringing Site and any unauthorized
- 4 use of Plaintiffs' Marks or any defamatory information about Plaintiffs to show up in
- 5 search results for a search of any of Plaintiffs Marks;
- 6 3. For a preliminary and permanent injunction restraining Defendants, their agents, servants,
- 7 employees, successors, assigns and all others in concert or privity with them from
- 8 infringing Plaintiffs' trademarks, and from reproducing, importing, publishing, displaying,
- 9 distributing, transmitting, selling, or otherwise placing on the market Defendants'
- 10 Infringing Material and, thus, using Plaintiffs' trademarks without authorization;
- 11 4. For a preliminary and permanent injunction restraining Defendants, their agents, servants,
- 12 employees, successors, assigns and all others in concert or privity with them from making
- 13 or publishing defamatory statements about the Plaintiffs;
- 14 5. For an Order requiring Defendants, and the other, as yet, unknown Defendants remove the
- 15 false and defamatory statements regarding Plaintiffs published by Defendants KELLY
- 16 ELLIS and INNOVATIVE DATA SEARCH, and the other, as yet, unknown Defendants
- 17 from the Internet;
- 18 6. For an order of injunction stopping the Defendants from using a website with the
- 19 address <http://www.callihisey.com>, and for an order directing Defendant KELLY ELLIS
- 20 to transfer to Ms. Hisey the domain name registration for <http://www.callihisey.com>;
- 21 7. For an Order requiring Defendants KELLY ELLIS and INNOVATIVE DATA SEARCH,
- 22 and the other, as yet, unknown Defendants post a retraction of all of the false and
- 23 defamatory statements regarding Plaintiffs published by Defendant KELLY ELLIS and
- 24 INNOVATIVE DATA SEARCH, and the other, as yet, unknown Defendant, as well as a
- 25 written apology to be published on each of the Internet sites where the defamatory
- statements were published;
8. For the actual and consequential damages that Plaintiffs have sustained as a result of
- Defendants' conduct, in an amount to be proven at trial but in excess of \$75,000, and/or
- for statutory damages in the maximum amount allowed by law.
9. For special damages arising from the loss of business and business opportunities, according
- to proof at trial.
10. For punitive damages against all defendants in an amount necessary to meaningfully punish
- Defendants, and to thereby deter similar conduct by them in the future;
11. For a judgment upon the Complaint;



amending this prayer for damages, and otherwise, as the facts and circumstances may warrant from time to time;


13. For Plaintiffs' reasonable attorney's fees and costs incurred in bringing this action;

14. For prejudgment interest;

15. For trial by jury of all issues so triable; and

16. For such other and further relief as the Court may deem just and proper.

Dated, this 16th day of July, 2017.



CALLI L. HISEY

a

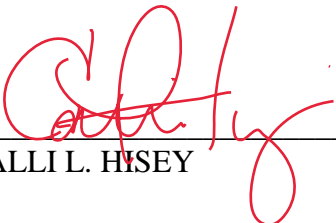
VERIFICATION OF COMPLAINT

I, CALLI L. HISEY, declare:

I am the Plaintiff in this action, and I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true.

Executed on July 16th, 2017, at Vancouver, Clark County, Washington.

I declare (or certify) under penalty of perjury that the foregoing is true and correct.



CALLI L. HISEY



**DISTRICT COURT OF WASHINGTON
FOR THE COUNTY OF CLARK**
Calli Lynn Hisey

Petitioner (person protected),

(DOB)

vs.

Kelly Jo Ellis

Respondent (person restrained).

(DOB)

No.

**ORDER FOR PROTECTION - HARASSMENT
(ORAH)**

 Clark County District Court
1200 Franklin Street; Vancouver, WA 98660

 Telephone Number: (360) 397-2424
(Clerk's action required)

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

1. Full Faith and Credit: The court has jurisdiction over the parties, the minors and the subject matter. This order is issued in accordance with the Full Faith and Credit provisions of VAWA. 18 U.S.C. § 2265.
2. Notice of this hearing was served on the respondent by ☒ personal service ☐ service by publication pursuant to court order ☐ other _____.
3. Minors addressed in this order:

| Name (First, Middle Initial, Last) | Age | Race | Sex |
|------------------------------------|-----|------|-----|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment, as defined in RCW 10.14.080, and was not acting pursuant to any statutory authority, and **it is therefore ordered that:**

| |
|---|
| 1) <input checked="" type="checkbox"/> Respondent is restrained from making any attempts to contact petitioner and any minors named <u>KUP</u> in the table above. |
| 2) <input checked="" type="checkbox"/> Respondent is restrained from making any attempts to keep under surveillance petitioner and any minors named in the table above. |
| 3) <input checked="" type="checkbox"/> Respondent is restrained from entering or being within <u>300</u> (feet) of petitioner's <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> place of employment <input type="checkbox"/> other: <input checked="" type="checkbox"/> The address is confidential <input type="checkbox"/> Petitioner waives confidentiality of the address which is: |
| 4) <input checked="" type="checkbox"/> Other: <u>No contact includes electronic contact directed by Respondent to Petitioner as well as any third-party contact.</u> |
| 5) <input type="checkbox"/> Judgment is granted against respondent in favor of _____ in the amount of \$ _____ for costs incurred in bringing the action and \$ _____ for attorneys fees. |

Notice: Petitioner, you must fill out and file a completed form WPF UH 04.0700, Judgment Summary.

The court is granted judgment against the respondent in the amount of \$ _____ for administrative court costs and service fees. A Judgment Summary, form WPF UH 04.0700, must be completed and filed.

Surrender of Weapons

- ☐ Respondent is **required** to surrender any firearm or other dangerous weapon, or any concealed pistol license to _____, by (date) _____.
Respondent is **prohibited** from obtaining or possessing a firearm or other dangerous weapon, or a concealed pistol license.
- ☐ See separate Surrender of Weapons order.

It is further ordered that the clerk of court shall forward a copy of this order on or before the next judicial day to:

- ☒ Clark County Sheriff's Office
☐ _____ Police Department, **where petitioner lives** and shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.
- ☐ The clerk of court ☐ petitioner shall forward a copy of this order on or before the next judicial day to:
☐ _____ County Sheriff's Office,
☐ _____ Police Department, **where respondent lives** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.
- Or ☒ Petitioner has made private arrangements for service of this order.
Or ☐ Respondent appeared; further service is not required.

Or ☐ Respondent did not appear. The restraint provisions in this order are the same as those in the temporary order. The court is satisfied that the respondent was personally served with the temporary order. Further service is not required.

This Antiharassment protection order expires on 2/15/18.
If the duration of this order exceeds one year, the court finds that respondent is likely to resume unlawful harassment of the petitioner when the order expires.

Dated at 2/15/17 9:28 a.m./p.m.

[Signature]
Judge/Court Commissioner

Presented by:

I acknowledge receipt of a copy of this Order:

[Signature]
Petitioner/Petitioner's lawyer

Date

Not pres
Respondent

Date

[Signature]
Print Name

WSBA No.

[Signature]
Print Name

WSBA No.

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).

**DISTRICT COURT OF WASHINGTON
FOR THE COUNTY OF CLARK**

NO.

17H000004

Calli Lynn Hisey

Petitioner

vs. Kelly Jo Ellis

Respondent

**REISSUANCE OF TEMPORARY
ORDER FOR PROTECTION AND
NOTICE OF HEARING**

 (HARASSMENT) (ORRTPO)
(Clerk's Action Required)

☒ The Temporary Order for Protection issued on 11/25/17, is hereby extended through the new court hearing date on this matter on 2/15/17 (date), at 9:00 am/pm at:

Clark County District Court, 1200 Franklin Street, Second Floor, Vancouver WA 98660

☐ Other: _____

It is ordered that the clerk of the court forward a copy of this order on or before the next judicial day to ☒ **Clark County Sheriff's Office** where petitioner lives which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

Service of Order:

**set over to provide proof of service*
☐ Respondent appeared and was informed of the order by the court; further service is not required.

☐ Petitioner shall make arrangements for personal service of this order by third party.

☐ Petitioner shall serve this order by ☐ mail ☐ certified mail / return receipt ☐ publication.

 DATED 2/8/17 at 9:18 a.m./p.m.

 JUDGE/COURT COMMISSIONER A

Presented by:

I acknowledge receipt of a copy of this Order.

Petitioner

Date

Respondent

Date

**DISTRICT COURT OF WASHINGTON
FOR THE COUNTY OF CLARK**

Calli Lynn Hisey

Petitioner (person protected),

(DOB)

Kelly Jo Ellis

vs.

Respondent (person restrained).

(DOB)

No.

17H 000004

**TEMPORARY PROTECTION ORDER AND
NOTICE OF HEARING - HARASSMENT
(TMORAH)**

(Clerk's action required)

Next Hearing: Feb. 8, 2017

9:00 a.m.

Courthouse, 1200 Franklin St Vancouver WA 98660

Warning to the Respondent: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 10.14 RCW and will subject a violator to arrest. Willful disobedience of the terms of this order may also be contempt of court and subject you to penalties under chapter 7.21 RCW.

Minors addressed in this order:

| Name (First, Middle Initial, Last) | Age | Race | Sex |
|------------------------------------|-----|------|-----|
| | | | |
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| | | | |

Based upon the petition, testimony, and case record, the court finds that the respondent committed unlawful harassment as defined in RCW 10.14.080, and **it is therefore ordered that:**

- 1) ☒ Respondent is **restrained** from making any attempts to contact petitioner and any minors named in the table on page one.
- 2) ☒ Respondent is **restrained** from making any attempts to keep under surveillance petitioner and any minors named in the table on page one.

- 3) ☒ Respondent is **restrained** from entering or being within 300 (feet) of petitioner's
☐ residence ☐ place of employment ☐ other:
☒ The address is confidential ☐ Petitioner waives confidentiality of the address which is:

4) ☒ Other: No contact includes electronic contact directed by Respondent to Petitioner as well as any third-party contact.

Surrender of Weapons

- ☐ Respondent is ordered to surrender any firearm or other dangerous weapon in respondent's possession or control to _____, by (date) _____.
- ☐ See the separate Surrender of Weapons order.

It is further ordered that the clerk of court shall forward a copy of this order on or before the next judicial day to: ☒ Clerk County Sheriff's Office
☐ _____ Police Department where petitioner lives which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

☐ The clerk of court ☐ petitioner shall forward a copy of this order on or before the next judicial day to: ☐ _____ County Sheriff's Office ☐ _____ Police Department where respondent lives which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

Or ☒ Petitioner has made private arrangements for service of this order.
 Or ☐ Respondent appeared; further service is not required.

The respondent is directed to appear and show cause why the court should not enter an order for protection effective for one year or more and order the relief requested by the petitioner or other relief the court deems proper, which may include payment of costs. **Failure to appear at the hearing or to otherwise respond will result in the court issuing an order for protection pursuant to Chapter 10.14 RCW effective for a minimum of one year from the date of the hearing. The next hearing date and time is shown below the caption on page one.**

A copy of this Temporary Protection Order and Notice of Hearing has been filed with the clerk of the court.

This Temporary Order for Protection is effective until the next hearing date and time shown below the caption on page one.

Dated 1/25/17 at 9:20 a.m./p.m.

Ul
 Judge/Court Commissioner

Presented by:

I acknowledge receipt of a copy of this Order:

Cathy Fingersh
 Petitioner

Date

Not pres
 Respondent

Date

Petitioner or Petitioner's Lawyer must complete a Law Enforcement Information Sheet (LEIS).